IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

WP(C).No. 1480 of 2004(A)

PETITIONER:

K.C.SUNEESH, S/O. CHANDRAN,
KADAMKODE, ELAVAMPADAM P.O., ALATHUR, PALAKKAD.

BY ADV. SRI.M.C.JOHN
SRI.C.PRABIN BENNY

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY SECRETARY, FOREST & WILD LIFE DEPT.
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIVISIONAL FOREST OFFICER,
NEMMARA, PALAKKAD.

3. THE FOREST RANGE OFFICER,
ALATHUR, PALAKKAD.

BY GOVERNMENT PLEADER SRI. MANOJKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 1480/2004 A

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE PURCHASE CERTIFICATE ISSUED BY THE LAND TRIBUNAL (SPECIAL TAHSILDAR) KOYALMANNAM.

EXT.P2. COPY OF THE NOC ISSUED BY THE R3 NO. BEING B1/5618/98 DT. 31/08/98.

EXT.P3. COPY OF THE NOC B1/5618/98 DT. 24/10/98 BY THE R2.

EXT.P4. COPY OF THE SSI REGISTRATION.

EXT.P5. COPY OF THE CERTIFICATE DT. 22/12/98 BY THE R2.

EXT.P6. COPY OF THE INVOICE DT. 4/1/99.

EXT.P7. COPY OF THE REPORT NO.B1/5618/98 DT. 20/4/99.

EXT.P8. COPY OF THE REPLY NOTICE DT. 8/09/99 ISSUED BY THE PETITIONER TO R2.

EXT.P9. COPY OF THE ORDER NO. E1/5618/98 DT. 26/12/2003 BY THE R2.

RESPONDENT'S EXHIBITS

EXT.R2A. COPY OF THE RELEVANT PORTION OF THE ORDER DT. 29/10/2002 OF THE HONOURABLE SUPREME COURT IN WP 202/95.

EXT.R2B. COPY OF THE CIRCULAR NO. 7/99 DT. 24/6/99.

EXT.R2C. COPY OF THE JUDGMENT OF THIS COURT IN OP NO. 6696/96.

EXT. R2D. COPY OF THE JUDGMENT OF THE HONOURABLE SUPREME COURT CONTEMPT PETITION(C) NO. 301/03 DT. 19/12/2003.

True copy

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KURIAN JOSEPH, J.

W.P.(C) NO.1480 OF 2004

Dated 28th February, 2007.

J U D G M E N T

The issue raised in this writ petition pertains to the dispute on the functioning of the wood based industries in the territory of the forest within 5 Kms. A Division Bench of this Court in W.A.No.1593/1999 has considered the matter wherein it has been held that there is no such restriction regarding the functioning of such industries within the radius of 5 Kms. from the reserve forest. The impugned orders are hence quashed. However, I make it clear that the judgment shall not stand in the way of the respondents taking any action against the petitioner, in case he is involved in any forest offence.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.NO. OF 2001

J U D G M E N T

DATED 9TH MARCH, 2006.